IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1758 OF 2007
IN
SECOND APPEAL NO.970 OF 2007

Maharashtra State Electricity Board ...Applicant
vs.
Mrudula Sharadchandra Bhansali ...Respondent

Mr.Pradeep Sancheti i/b Sanjoo Ahooja for the Applicant
Ms A.R.S.Baxi for the Respondent.

CORAM: A.S.OKA,J.
DATE : DECEMBER 13,2007.

P.C.:

1. Heard Advocates for the parties. My attention has been invited to the order dated 11th September 2007 passed in Civil Application no.939/2007. Though considering the prayer in this Application, in a normal course, the application is required to be heard by the same learned Judge who has passed the order dated 11th September 2007, as the learned Judge is not available in Bombay, as per the provisions of Chapter XXX of the High Court Appellate Side Rules, this Application has been placed before the regular court hearing Second Appeals for admission and orders.

2. The submission of the learned Advocate for the Applicant in this Application (Respondent in the Appeal) is that the order dated 11th September 2007 is an ad-interim order. Perusal of the order dated 11th September 2007 shows that the only ad-interim relief was intended to be granted though the last sentence indicates that the said Application No.939 of 2007 is disposed of.

3. The decree passed by the Appellate Court is in the nature of a money decree. Therefore, as a condition for grant of stay, the decretal amount will have to be deposited by the Appellant in the Appeal.

4. Hence, Civil Application is disposed of by passing the following order :

i) Stay granted by this court to the execution and operation of the impugned Judgment and Decree will continue to operate till final disposal of the Appeal subject to condition of the Appellant in the Second Appeal depositing entire decretal amount in the trial court within eight weeks from today. If the amount is not deposited within stipulated period, interim relief will stand vacated without further reference to the court.

ii) As and when the amount is deposited, the trial court will invest the same in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till final disposal of the Appeal.

iii) The order regarding disbursement of the amount together with interest accrued thereon will be passed at the time of final hearing of the Appeal.

iv) There will be no order as to costs.

JUDGE